UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,))
v.) Cause No. 3:13-cr-00026-RLY-CMM-1 3:14-cr-00012-RLY-CMM-1
JEMARIO B. BALDWIN,)
Defendant.)

REPORT AND RECOMMENDATION

On January 24, 2019, the Court held an initial hearing on the Petition for Warrant or Summons for Offender Under Supervision filed in case numbers 3:13-cr-00026-RLY-CMM-1 and 3:14-cr-00012-RLY-CMM-1 on June 9, 2016. In addition to a Supplemental Petition for Warrant or Summons for Offender Under Supervision, filed in case numbers 3:13-cr-00026-RLY-CMM-1 and 3:14-cr-00012-RLY-CMM-1 on January 24, 2019. Jermario B. Baldwin ("Defendant") appeared in person with FCD counsel, Bill Dazey. The government appeared by Todd Shellenbarger, Assistant United States Attorney, via telephone. U. S. Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

- 1. The Court advised Defendant of his rights and provided him with copies of the petitions. Defendant orally waived his right to a preliminary hearing.
- 2. After being placed under oath, Defendant admitted Violation No. 3 contained in document number [134] in case 3:13-cr-26-00026-RLY-CMM-1 and

document number [33] in case 3:14-cr-00012-RLY-CMM-1. The Government has agreed to dismiss violation numbers 1, 2, and 4.

3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

Violation Number Nature of Noncompliance

- 3. The defendant shall not commit another federal, state, or local crime. On January 4, 2017, the offender was arrested in Giles County, Virginia, and charges with Reckless Driving misdemeanor), Conspiracy to Obtain Money by False Pretense (felony), and Unauthorized Use (felony). He was subsequently found guilty of the two felony cases and sentenced to a total term on imprisonment of 18 months.
- 4. The parties stipulated that:
 - (a) The highest grade of violation is a Grade **B** violation.
 - (b) Defendant's criminal history category is **V**.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **18 to 24** months imprisonment.
- 5. Parties jointly recommended that defendant be incarcerated for eighteen(18) months, to be served concurrently, with no supervised release to follow.
- 6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:
 - (a) The Defendant violated the conditions in the petition;
 - (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
 - (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be

sentenced to the custody of the Attorney General or his designee for a period of

eighteen (18) months, to be served concurrently, with no supervised release to

follow. The Defendant is to be taken into custody immediately pending the

District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any

matter assigned to a Magistrate Judge.

The parties waived the fourteen-day period to object to the Report and

Recommendation.

Dated: January 24, 2019

CRAIGM/McKEE, Magistrate Judge

United States District Court Southern District of Indiana

Distribution:

All ECF-registered counsel of record

USPO USMS